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ABSTRACT

The guidelines and codes in this booklet were written to assist teachers and administrators strengthen their positions in times of legal and social confusion and in the face of challenges to administrative and staff authority. Model codes are provided for student (1) assembly, (2) dress and grooming, (3) motor vehicles, (4) search and seizure, (5) attendance, (6) freedom of expression, (7) tobacco use, (8) physical discipline, (9) records, (10) suspension and expulsion, and (11) for nonstudent loitering. (Author/JF)

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OREGON ADMINISTRATIVE RULES 21-050–21-085

# MINIMUM STANDARDS
# FOR
# STUDENT CONDUCT AND DISCIPLINE

## Including Suggested Guidelines and Model Codes

**ADOPTED**

**by the Oregon State Board of Education**
**May 12, 1972**

**Dale Parnell**
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## FOREWORD

After much legal research and many public hearings, the Oregon State Board of Education has adopted *Minimum Standards for Student Conduct and Discipline.* In addition to the standards, which are in the official form of Oregon Administrative Rules, nonmandatory guidelines and model codes have been included in this publication as an aid to local districts.

The standards are a means of strengthening the position of teachers and administrators in times of legal and social confusion and challenges on all sides to administrative and staff authority.

Increasingly, courts are evaluating the schools' decisions, their written rules, and the methods by which these rules were made. These standards lay the groundwork for enforceable local rules of student conduct and discipline which also must "pass muster" if challenged in court.

It is our purpose to deal realistically and constructively with problems of student conduct, while at the same time insuring fair treatment for all concerned.

Dale Parnell
Superintendent
Public Instruction

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## Minimum Standards for Student Conduct and Discipline

### AUTHORITY

**Oregon Revised Statutes**
**339.240 Rules of pupil conduct and discipline; duties of state board and district school boards.**

**(1) The State Board of Education in accordance with ORS chapter 183 shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements.**
**(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards promulgated by the State Board of Education under subsection (1) of this section.**

## OREGON ADMINISTRATIVE RULES

### Minimum Standards for Student Conduct and Discipline 21-050

(1) School districts shall provide students a learning climate in which rights and responsibilities are equally protected and emphasized. School district boards shall prepare reasonable written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:
(a) Assembly of students
(b) Dress and grooming
(c) Motorized and nonmotorized vehicles
(d) Search and seizure
(e) Attendance
(f) Freedom of expression
(g) Nonstudent loitering
(h) Alcohol, drugs, and tobacco
(i) Physical discipline
(j) Student records
(k) Discipline, suspension, and expulsion
(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

### Standards of Conduct 21-055

(1) Students shall comply with the reasonable written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.
(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:
(a) Theft
(b) Disruption of the school
(c) Damage or destruction of school property
(d) Damage or destruction of private property on school premises or during a school activity
(e) Assault or threats of harm
(f) Unauthorized use of weapons or dangerous instruments
(g) Unlawful use of drugs, narcotics, or alcoholic beverages
(h) Persistent failure to comply with rules or the lawful directions of teachers or school officials.

### Procedures 21-060

School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion. Those that choose to allow physical discipline shall develop procedures and controls which provide reasonable protection for students, parents, and school personnel.

### Suspension 21-065

(1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (21-075) specification of charges, and an opportunity for the student to present his view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.
(2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.
(3) School district boards shall provide students suspended under emergency conditions with the same suspension procedures as soon as the emergency

condition has passed.

(4) In all suspensions ordered by the executive officer of the school district or his designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.

(5) School district boards shall limit suspensions to a specific maximum number of days. That maximum shall not exceed seven calendar days.

(6) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up.

(7) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

## Expulsion 21-070

(1) A school district board or hearings officer shall not expel a student without a hearing, unless he and his parents or guardian waive, in writing, the right to a hearing. By waiving the right to a hearing, the student and his parent agree to abide by the lawful findings of the hearing or review officer. Expulsion hearings shall contain provision for the following:

(a) The student is notified in writing of the specific charge or charges, when and where the hearing will take place, and his right to a representative.

(b) A notice shall also be sent to the parent or guardian by certified mail and also by regular mail, citing the charge or charges, and the specific acts that support the charge or charges. The notice shall state a recommendation of either expulsion or suspension pending investigation for possible expulsion, when a hearing will take place, and his (or their) right to representation. This written notice shall be mailed at least seven (7) days prior to the hearing.

(c) Unless otherwise provided by the district school board, the executive officer of the school district, or his designated representative, shall act as the hearing or review officer and shall maintain control over and conduct the hearing or review. In case of foreign language differences, or other serious communication handicaps, the hearing officer shall provide a translator.

(d) The student shall be permitted to have a representative present at the hearing to advise and represent him. The representative may be an attorney, parent, or guardian.

(e) The student shall be afforded the right to present his version as to charges and to make such showing by way of oral testimony, affidavits, or exhibits.

(f) The student shall be permitted to hear the evidence presented against him.

(g) The hearing officer shall determine the facts of each case on the evidence presented at the hearing. This may include the relevant past history and records of the student. He shall submit to the Board his findings as to the facts and whether or not the pupil charged is guilty of the conduct alleged, and his decision on disciplinary action, if any, including the duration of any expulsion. The above decision shall be made available in identical form and at the same time to the board and the student and his parents.

(h) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearing officer's control of the hearing..

(i) The hearing officer or the accused may make a record of the hearing.

(j) The local district board shall review the decision of the hearing officer and may affirm, modify, or reverse his decision.

(k) Expulsion shall not extend beyond the end of the current term or semester.

## Distribution 21-075

(1) School district boards, or designated representatives, shall attempt to give widest possible distribution to their rules of pupil conduct and discipline in order that students may understand the expectations of the district.

(2) School districts shall make reasonable attempts to give a copy of their current rules to each student, and a copy of the current rules shall be posted in a prominent place in the schools of the district.

(3) School districts shall make these rules available to the general public upon request.

## Evaluation 21-080

School district procedures for compliance with these Minimum Standards for Student Conduct and Discipline shall be

evaluated as a part of the regular standardization visitations made by the staff of the Oregon State Board of Education.

### Local School District Responsibility for Implementation 21-085

Local school district boards shall implement the provisions of these Minimum Standards for Student Conduct and Discipline by September 1, 1972.

## APPENDIX

### CONDITION STATEMENT

Some critics of the schools tend to express their concerns in terms of student responsibilities without relating them to rights. The reverse of this is also true. Some express their concerns in terms of rights, without relating them to responsibilities. Rights and responsibilities should be viewed as two inseparable parts of the same issue.

Educational institutions can do much to eliminate conditions that produce student misconduct by spelling out student rights and responsibilities in clear, concise language, and by developing clear rules for student conduct and orderly and consistent procedures for handling misconduct.

School officials, as well as the general public, are poignantly aware of the rebellious mood of a few students. Part of the blame for this attitude must rest with the student. However, a portion of the responsibility for this mood must be borne by some managers of the schooling enterprise. Do students see the schooling experience as an oppressive force designed to deprive them of their rights and saddle them with all consequences? Or, do students see the school as a symbol of opportunity, where rights and responsibilities are equally emphasized and human dignity protected?

The courts have generally held that school authorities have the right to develop codes of conduct which provide for the orderly operation of the educational process without infringing upon the constitutional rights of those who must obey the codes.

Oregon law treats student discipline, suspension, expulsion and codes of conduct in Chapter 339 of Oregon Revised Statutes. That chapter also covers threats and injuries to students and faculty. It covers property damage and the penalties for that damage. Chapter 743, Oregon Laws, 1971, provides in Section 21 for the use of reasonable physical force in the school, and Section 222 makes loitering in or near schools a crime.

Current State Board policies reflect a commitment to maintaining a modern, self-renewing school system in which every individual must share the rights, the duties, and the responsibility of government. Local school district policies should also reflect this commitment, by giving students opportunities to learn responsibility. In addition, State Board policies indicate the Board's acceptance of responsibility for adopting rules for the general governance of the schools which will create a climate that is free from discrimination, morally and spiritually wholesome, and safe and healthy.

## APPENDIX–MODEL CODES

### STATE BOARD OF EDUCATION GOAL

One goal of the Oregon State Board of Education is that the public schools shall help each student to achieve maximum development of individual knowledge, skills, and competence, and to learn behavior patterns which will enable him or her to be a responsible, contributing member of society.

### GUIDELINES FOR IMPLEMENTATION

These guidelines have been prepared to aid local districts in developing local policies which will assure that:

(1) Consistency of discipline is assured for all students.

(2) "Fairness" or "reasonableness" required by the due process provisions of the Constitution is the essence of conduct codes written conscientiously. ("Fairness" is also a major purpose of these guidelines.)

(3) Learning takes place in an atmosphere of open communication, self-discipline, and clearly understood control. Expectations in this area must be clearly outlined.

(4) Student conduct will enable both school staff and students to release their best potential. *The productivity of the teaching-learning process is directly affected* by a confused and disorderly student body.

### GUIDELINES ON CODE PREPARATION AND DISTRIBUTION

(1) Local districts should seek wide local input during preparation of student conduct codes from students, teachers, administrators, community members, attorneys, and agencies of local government.

(2) Local districts should engage in legal research to assure that their codes are in keeping with the laws and ordinances governing their areas.

(3) Local districts should review existing policies, including those that relate indirectly to pupil conduct and discipline, to insure parallelism.

(4) Local districts should make provision for annual review of their codes to assure that they continue to reflect local conditions, community attitudes, and changes in the law.

(5) Local districts should give careful consideration to brevity, clarity, and readability. Codes should contain positive, rather than negative, rules and regulations.

(6) Local district boards may wish to consider more than one code of pupil conduct and discipline because certain concerns for younger students may not be relevant to older students.

(7) Because titles and assignments differ among districts, the specific responsibilities for implementing various portions of the code must be spelled out clearly in local rules.

(8) Local districts should consider mailing copies of their codes to each parent or guardian in the district.

(9) Copies of the codes may be placed on local public bulletin boards.

(10) Copies of the codes should be distributed to local news media.

(11) Local districts should establish procedures insuring that transfer students and their parents receive copies of the codes.

### MODEL CODES

#### ASSEMBLY OF STUDENTS–MODEL CODE

**Condition Description**

(1) It is important to the orderly use of school facilities that the use of all space should be planned in advance whenever possible.

(2) Students, faculty, and administration are *all* in some measure responsible for the activities that are conducted in a school. Indeed, school personnel are held *accountable* to a public, a school board, a legislature that gives fiscal support; *accountable* for the image of the institution. Also, all members of the school community are *accountable* to each other.

**Guidelines**

(1) *Right:* Students shall be permitted to hold student meetings on school property.
*Right:* Students shall have the right to gather informally.

(2) *Responsibility: Student Meeting*

(a) The meeting should be scheduled in advance.

(b) Normal class activities shall not be disrupted.

(c) The meeting shall not be such as may be likely to incite hazard to person or property.

(d) The meeting shall be sponsored by school officials or an official school club or organization.

(e) No speaker who openly and knowingly advocates breaking the law shall be invited to speak. Invitations to speakers shall be approved by the principal or his designated representatives.

(f) If a crowd is anticipated, a crowd control plan shall be filed in the appropriate office well in advance of the meeting. Attempts shall be made to present a balance of viewpoints.

*Responsibility: Informal Student Gatherings*

(a) Students gathered informally shall not disrupt the orderly operation of the educational process.

(b) Students gathered informally shall not infringe upon the rights of others to pursue their activities.

## DRESS AND GROOMING–MODEL CODE

**Condition Description**

(1) Dress and grooming while in school is basically an individual responsibility of the student and his parent. When dress and grooming disrupts the learning process while in school, for the individual students, other students, or the learning climate of the school, it becomes a matter for counseling with the student and/or parent.

(2) The total learning climate of a school is important to the satisfactory progress of students. This system places major emphasis upon developing an environment where the teaching-learning process will flourish with as few constraints as possible.

**Guidelines**

(1) *Right:* The district school board shall reduce any rules and regulations on dress and grooming to writing and make such rules widely available to parents and students. Any such rules and regulations must be clear and go beyond some undefined sense of individual sartorial or tonsorial good taste.

(2) *Right:* Student dress and grooming is the responsibility of the individual and his parents under the following guidelines:

(3) *Responsibilities:*

(a) Dress and grooming shall be clean and in keeping with health, sanitary, and safety practices.

(b) When a student is participating in special activities, his dress and grooming shall not disrupt the performance or constitute a health threat to the individual or other students.

(c) Provisions for dress and grooming in special activities should arise directly out of the needs of the activity and not from some undefined sense of individual sartorial or tonsorial good taste.

(d) Dress and grooming shall not be such as to disrupt the teaching-learning process.

## MOTOR VEHICLES–MODEL CODE

**Condition Description**

Certain school regulations are necessary because of insufficient parking and dangerous traffic patterns. Also, it is the desire of many parents to have the school know the whereabouts of their children during the school day.

**Guidelines**

(1) *Right:* If the school provides for student vehicles on school premises, rules and regulations governing the use of student vehicles shall be reasonable and widely circulated. Permission to drive a vehicle onto the school premises may not be revoked without demonstrated cause.

(2) *Right:* Any licensed driver may drive a vehicle onto the school premises under the following conditions:

(3) *Responsibilities:*

(a) All such vehicles must be registered with the school administration.

(b) No student vehicles will be permitted to leave the school grounds during the hours in which school is in session without the permission of the school administration.

(c) School rules, and local and state traffic laws must be followed when operating vehicles on school premises.

## SEARCH AND SEIZURE–MODEL CODE

**Condition Description**

The Board seeks to create a climate in the schools which assures the safety and welfare of all. Equipment, such as lockers, belongs to the school district, and students are allowed to use this equipment as a convenience. The schools may insist that lockers be properly cared for and not used for the storage of illegal items.

**Guidelines**

(1) *Right:* At the time of locker assignment or registration, students will be informed of the conditions of use governing the locker.

(2) *Right:* Students may be assured that the rights of the individual shall always be balanced with the needs of the school. In a search and seizure situation, the following procedures shall be followed:

(a) A search of a student's person should be limited to a situation where there is probable cause that the student is secreting evidence of an illegal act or school violation.

(b) Illegal items (firearms, weapons, etc.) or other possessions reasonably determined by the proper school authorities to be a threat to the safety or security of the possessor or others may be seized by school officials.

(c) Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession.

(d) A general inspection of school properties including, but not limited to, lockers or desks may be conducted on a regular basis. Items belonging to the school may be seized.

(e) All items seized shall be returned to the proper authorities or the true owner.

(f) The student shall be given the opportunity to be present when a search of

personal possessions is conducted, if he is in attendance and if there is no reason to believe that his presence would endanger his health and safety.

(3) *Responsibility:*

(a) Students shall not bring to school firearms or other possessions reasonably determined by the proper school authority to be a threat to the safety or security of himself or others. Students shall not secrete evidence of an illegal act or school violation.

## ATTENDANCE–MODEL CODE

### Condition Description

(1) School officials must make every effort to enforce the compulsory attendance laws for the state. Furthermore, irregular attendance is one of the prime factors associated with student failure and frustration with the schooling experience.

(2) One fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility which will help him to succeed in the world of work.

### Guidelines

(1) *Right:* The school shall make every effort to provide a meaningful experience and to encourage full individual development for each student.

(2) *Right:* Whenever possible, a home teacher will be provided for a student during long periods of illness.

(3) *Responsibilities:*

(a) Each student shall comply with the rules and regulations of the school he attends and shall pursue the prescribed course of study.

(b) Students will be punctual in reporting to school and to classes and shall attend regularly. Since absence from class is an important matter, clear local policies should spell out provisions governing both excused and unexcused absences.

(c) Students may not attend school when they or others in the home have a communicable disease unless such attendance is authorized by a qualified health official.

(d) Students may not attend school when they have been excluded for disciplinary reasons.

## FREEDOM OF EXPRESSION–MODEL CODE

### Condition Description

(1) One of the basic purposes of schooling is to prepare students for responsible self-expression in a democratic society. Citizens in our democracy are permitted free expression under the 1st and 14th Amendments of the U.S. Constitution and under Article I, Section 8, of the Oregon Constitution. Students, as citizens, have the right of free expression and must bear the responsibility for the consequences of such expression.

(2) Since schooling is a learning experience, the matter of free expression must also be viewed as a part of the learning process. Therefore, when school officials, or their representatives, have reason to believe that a student is unaware of the possible consequences of his expressions, they may find it necessary to review publications and speeches to be given to students and to advise on matters of libel, slander, journalistic ethics, and the probable effect of statements or writings on the orderly operation of the school.

### Guidelines

(1) *Rights:*

(a) Students are entitled to express their personal opinions under reasonable circumstances.

(b) Students are encouraged to express personal opinions in writing in school publications and participate in publishing school publications. The publishing and editorial policies governing school publications will be in written form.

(c) Under certain conditions, which should be spelled out locally, students may obtain school authorization to sell materials or engage in activities which solicit student financial contributions.

(d) Students may refuse to participate in patriotic exercises as long as the manner of such nonparticipation does not disrupt the educational process.

(e) Students may wear certain distinctive insignias so long as they do not trespass on the rights of others or interfere with the orderly operation of the school program.

(2) *Responsibilities:*

(a) Symbolic and actual freedom of expression shall not interfere with the freedom of others to express themselves. The use of profane or obscene language and threats of harm to persons or property are prohibited.

(b) Willful disobedience, open defiance of a teacher's or school official's lawful authority, shall be sufficent cause for discipline.

(c) Any publication sponsored or in any way funded by the school shall be known as a school publication as opposed to a student publication. Example: A school newspaper should reflect the total life of a school community. Even though the publication may be accomplished by student effort, the student has a responsibility to the total school community. Libelous and profane or obscene matter are prohibited from all school publications. Both the school's duty to maintain the student's right to free speech, and its duty to educate pupils and protect the rights of all students need careful consideration when either duty tends to conflict with the other.

## USE OF TOBACCO–MODEL CODE

### Condition Description

Who should be allowed to use tobacco in public schools? *Wide* differences of opinion are held by students, school officials, parents, smokers, and nonsmokers. Concerns are expressed in terms of scientific evidence that shows that the use of tobacco is a hazardous habit at best. Additionally, most public schools are not designed to accommodate large numbers of smokers of any age. Health, safety and educational concerns are all factors to be considered in developing a tobacco policy. Also, the rights of the nonuser must be weighed with the rights of the lawful user. The question of who should be a lawful user of tobacco in schools is a controversial one. Oregon law is currently silent on who may use tobacco. Oregon law is, however, clear in stating that a person who sells tobacco to an individual below the age of 18 is in fact endangering the welfare of a minor. Given this statutory reference as a guiding principle, the district makes the following findings:

(1) Authorized users of tobacco in the public schools of this district shall be 18 years of age or older.

(2) The district further finds that this is an even application of principle in that the age of 18 is the point at which the state discontinues its statutory concern for the welfare of minors in the area of tobacco use.

### Guidelines

(1) *Right:* All authorized users shall be allowed to possess, smoke, or use tobacco under the following conditions.

(2) *Responsibilities:*

(a) Tobacco users shall be 18 years of age or older.

(b) Tobacco users shall carry proof of age and be willing to show such proof

when asked by the proper school officials.

(c) Tobacco users will confine their use to times and places designated by the district school board.

(d) Tobacco users are liable for their habit to the extent that it may preclude their participation in activities or projects or assignments wherein their use of tobacco would reduce their effectiveness below minimum levels of performance.

## NONSTUDENT LOITERING–MODEL CODE

### Condition Description

To help protect student and school property and to prevent disruptive activity, school officials must know if any persons who are not members of the staff or student body are inside the building or on the grounds.

### Guidelines

(1) *Right:* Visitors are permitted on school premises so long as their presence is for constructive, not disruptive, purposes and school officials are aware of their visit.

(2) *Responsibilities:*

(a) Visitors in the school building during a normal school day shall first come to the main office and arrange to conduct their business.

(b) No individual may loiter in or near a school building or grounds. Loitering means not having any reason or relationship involving custody of or responsibility for a student, or upon inquiry, not having a specific, legitimate reason for being there.

## PHYSICAL DISCIPLINE–MODEL CODE

### Condition Description

School administrators and teachers are like parents in that they differ widely on their approach to student discipline and especially physical discipline. It is vital that the policy-making body of any school develop a clear statement on this subject to give guidance to all students, parents, and school personnel. It is reasonable to assume that what a district board might authorize in grade 3 might not be endorsed for grade 12.

### Guideline–Rights and Responsibilities

(1) Physical discipline is defined as spanking. Physical discipline may be administered after less severe control measures have not appeared effective and after the nature of the offense has been explained to the student.

(2) Within the limitations of this policy, principals, teachers, and other certificated personnel may administer physical discipline under the following constrictions:

(a) This type of discipline must be approved by the student's parent.

(b) The test on physical discipline is one of reasonableness.

(c) When the principal, or his delegate, administers physical discipline, it shall be witnessed by a certificated staff member, but free from the presence of pupils or other children.

(d) When a teacher administers physical discipline, it shall be witnessed by the principal or his certificated representative but free from the presence of other pupils or children.

(e) Physical discipline must be administered within the bounds of moderation and prudence and suited to the gravity of the offense; administered with consideration of the physical condition and size of the student.

(f) Physical discipline must not be cruel or excessive or administered wantonly from maliciousness or passion.

The principal, or his delegate, is responsible for informing the parent or legal guardian of the administration of physical discipline when he deems it advisable. After physical discipline is administered, a report, signed by the principal or person administering the punishment and by the witness, must be placed on file as a matter of record. In addition, an oral or written report must be made to the parent or guardian following persistent violations of school rules by a student.

(3) A teacher or administrator is authorized to employ physical restraint when, in his professional judgment, the physical restraint is necessary to prevent a student from doing harm to others or to himself. When so employed, physical restraint shall not be considered a form of physical discipline.

## STUDENT RECORDS–MODEL CODE

### Condition Description

Student records contain, among other things, a record of the student's conduct. Clear policies are needed regarding these records and care must be exercised in the use of student records.

### Guidelines

(1) *Definitions:*

(a) *Student Records*–include all records relating to students maintained by any school.

(b) *Student Behavioral Records*–are student records which include psychological tests, personality evaluation, records of conversations and any written transcript of incidents relating specifically to student behavior.

(c) *Student Progress Records*–are student records which include transcripts of grades and courses taken, records of attendance, tests relating specifically to achievement or measurement of ability, and records of health.

(2) *Rights and Responsibilities:*

(a) All student records shall be confidential and except as hereinafter provided, shall be open for inspection only in accordance with the law, and such rules and regulations as duly adopted by the district school board. Personnel having access to student records shall not violate the confidentiality of those records.

(b) The administration (chief executive officer) shall establish rules and regulations to provide that all student records maintained by any elementary or secondary school in their district shall be available for inspection by any parent or legal guardian requesting to see such individual records; however, student behavioral records shall be released only in the presence of an individual qualified to explain or interpret the records.

(c) Release of student behavior records for use in any proceedings, civil or criminal, in any court of this state, will be made only by the superintendent or his designated representative, or with the consent of the student or juvenile so confiding or to whom such records relate, if the student is 21 years of age or over, or if the person is a minor, with the consent of his parent or legal guardian. Release shall be made only in the presence of an individual qualified to explain or interpret the records.

(d) Student progress records shall be available to all teaching staff, to parents or legal guardians, and upon request to other agencies having a demonstrated interest in the student.

## DISCIPLINE–SUSPENSION–EXPULSION–SERIOUS STUDENT MISCONDUCT–MODEL CODE

### Condition Description

(1) All students in our schools deserve reasonable safeguards in the consideration of

all matters affecting their school life. Careful attention must be given to procedures and methods whereby fairness and consistency in discipline shall be assured each student.

(2) Special problems confront administrators and teachers in conducting schooling programs free from disruption and free from the kinds of distracting behavior which impede the learning of any student. School officials may find it necessary occasionally to discipline a student or even to remove the student from the formal learning environment for a period of time.

(3) Teachers and administrators need discretionary powers in invoking disciplinary actions and procedures, and in maintaining a climate conducive to learning and protection of life and property.

(4) School disciplinary actions are civil, not criminal matters. Schools must clarify rights and procedures that assure fair treatment for each student in a learning environment.

**Guidelines**

(1) *Rights:*

(a) Fair treatment for each student shall be such as to protect them from arbitrary and unreasonable decisions.

(b) All decisions affecting students shall be based on careful and reasoned investigation of the facts and the consistent application of rules and regulations.

(c) All students shall be apprised of the school rules and procedures by which schools are governed and the processes by which discipline may be involved.

(2) *Responsibilities:*

(a) Students shall comply with the rules for government of schools, pursue the prescribed course of study, and shall submit to the lawful authority of teachers or school officials.

(b) The following type of conduct shall make the student liable for discipline, suspension, expulsion:

1. *Disruption of school*–Any conduct that substantially disrupts a school function or is likely to is forbidden.
2. *Damage or Destruction of School Property*–A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property.
3. *Damage or Destruction of Private Property*–A student shall not cause or attempt to cause damage to private property or steal or attempt to steal private property either on the school grounds, or during a school activity, function, or school event off school grounds.
4. *Threats or assault on a school employee, another student, or other person not employed by the school–weapons and dangerous instruments*–A student shall not intentionally do bodily injury to any person, or threaten any person, or knowingly possess, handle, or transmit any object that can reasonably be considered a weapon:
   a. On the school grounds during and immediately before or immediately after school hours,
   b. On the school grounds at any other time when the school is being used by a school group, or
   c. Off the school grounds at any school activity, function, or event.
5. *Narcotics, Alcoholic Beverages, and Drugs*–A student shall not knowingly possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind:
   a. On the school grounds,

b. Off the school grounds at a school activity, function, or event.

Use of a drug authorized by a medical prescription from a registered physician for use *during* school hours shall not be considered a violation of this rule.

6. *Other Violations*–A student shall not repeatedly fail to comply with directions of teachers, or other authorized school personnel during any period of time when he or she is properly under the authority of the school. Students who do not respond to guidance or minor discipline, or are consistently at odds with school discipline, must accept the consequences of such action. Willful disobedience, open defiance of a teacher's authority, or the repeated use of profane or obscene language or gestures is also sufficient cause for discipline, suspension, or expulsion from school.

(3) *Rights:*

(a) Definitions:

1. *Summary Discipline Procedures*–Discipline for a minor infraction may be handled without going through all the steps of formal procedure. In all cases, a written record shall be maintained in the student's record.
2. *Out-of-School Suspension*–is defined as one of the following:
   a. A temporary exclusion from school for a period not to exceed seven days.
   b. Exclusion in cases being investigated pending expulsion.
   c. In special circumstances a suspension may be continued until some specific pending action occurs such as a physical or mental examination or incarceration by court action.
   d. After investigation and recommended expulsion by the administration until the Board of Directors has taken official action.
3. *In-School Suspension*–is defined as suspension of refractory students from class attendance (not to exceed one day) in which the student may choose to perform work in and around school as a penalty.
4. *Expulsion*–is defined as release of a student from school attendance for no longer than the current term or semester.

(b) Hearing the Accuser:

1. *Staff Complaints*–students should hear directly from the teacher or the staff member the specific compaints or descriptions of unacceptable behavior where the student so desires.
2. *Student Complaints*–it is recognized that a school official as a public officer shall not be examined as to communications made to him in official confidence, when the public interest would suffer by such disclosures. For this reason, in recognition of the special jeopardy in which the student witnesses may be placed, and the possible traumatic effects of adversary proceedings conducted by attorneys, police officers, or court officials, the complaining student may not be required to face the accused, nor have his identity revealed. However, the administrator or other official conducting an investigation is under special obligation to assure careful and cautious investigation of all relevant facts and testimony. When it is determined that the student ought not face the accused, the school official then becomes the official complainant.

(c) Suspension Procedures–The student should have notice of charge(s) in such terms as will permit him to change his course of conduct, or afford him an opportunity to defend his right to engage in the conduct, or show that he is innocent of the conduct charge.

In suspending students:

1. The student is informed of the charge, including the specific acts that support the charge, and that he is suspended. In out-of-school suspensions, the student may be sent home for no longer than a seven-day period.
2. The parents or guardians are notified by telephone whenever possible of the suspension, and the reasons for the action. When parents cannot be contacted, the decision to send the student home, to allow him to remain on school premises, or refer him to the proper authorities must be made with consideration of that student's age, maturity, and the nature of the misconduct that caused the suspension.
3. A letter is mailed to the parents or guardians with a copy to the appropriate superintendent, stating the time, date, the charge, and the specific acts that support the charge(s), for the suspension, with procedures to be followed by the student and his parents or guardians for reinstatement.
4. The parents or guardians may request and be given a conference with the building principal.
5. School district boards shall provide students suspended under emergency conditions with the same suspension procedures as soon as the emergency condition has passed. These procedures may be postponed in emergency situations relating to health and safety. Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(d) Expulsion Procedures

1. A school district board or hearings officer shall not expel a student without a hearing, unless he and his parent or guardian waive, in writing, the right to a hearing. By waiving the right to a hearing, the student and his parent agree to abide by the lawful findings of the hearing or review officer. Expulsion hearings shall contain provision for the following:
   a. The student is notified in writing of the specific charge or charges, when and where the hearing will take place, and his right to a representative.
   b. A notice shall also be sent to the parent or guardian by certified mail and also by regular mail, citing the charge or charges, and the specific acts that support the charge or charges. The notice shall state a recommendation of either expulsion or suspension pending investigation for possible expulsion, when a hearing will take place, and his (or their) right to representation. This notice shall be mailed at least seven (7) days prior to the hearing.
   c. Unless otherwise provided by the district school board, the executive officer of the school district, or his designated representative, shall act as the hearing or review officer and shall maintain control over and conduct the hearing or review. In case of foreign language differences, or other serious communication handicaps, the hearing officer shall provide a translator.
   d. The student shall be permitted to have a representative present at the hearing to advise him. The representative may be an attorney, parent, or guardian.
   e. The student shall be afforded the right to present his version as to charges and to make such showing by way of oral testimony, affidavits, or exhibits.
   f. The student shall be permitted to hear the evidence presented against him.

g. The hearing officer shall determine the facts of each case on the evidence presented at the hearing. This may include the relevant past history and records of the student. He shall submit to the Board his findings as to the facts and whether or not the pupil charged is guilty of the conduct alleged, and his decision of disciplinary action, if any, including the duration of any expulsion. The above decision shall be made available in identical form and at the same time to the Board and the student and his parents.

h. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearing officer's control of the hearing.

i. The hearing officer or the accused may make a record of the hearing.

j. The local district board shall review the decision of the hearing officer and may affirm, modify, or reverse his decision.

k. Expulsions shall not extend beyond the end of the current term or semester.